IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No. 222 of 2005

Smt. Vijaya W/o Sumant Singh
R/o Village Nagal bulandwala
P.S. Clementtown
Dehradun … Applicant

Versus

1. State of Uttaranchal
2. Yogesh Kumar Singh
   S/o Sri Narender Singh
   R/o Turner Road
   Dehradun … Opposite Parties

Sri L.K. Tiwari learned counsel for the applicant
Sri H.C. Pande learned A.G.A. for the State

Hon'ble B.C. Kandpal, J.

This petition has been filed by the applicant Smt. Vijaya for quashing the further proceeding in Criminal Case No. 253 of 2004 State Vs. Sumant Singh & others under Sections 323, 504, 506, 342, 406 and 120-B I.P.C. pending before the Special Judicial Magistrate-I, Dehradun.

Heard learned counsel for the parties and perused the record.

The record of this case reveals that the chargesheet in this case was filed under the aforesaid sections on 10.01.2004 and thereafter the cognizance by the court concerned was taken on 27.02.2004.

Learned counsel for the petitioner has submitted that no prima facie case is made out against her on the basis of the evidence collected by the prosecution as yet.

Having considered the arguments advanced by the learned counsel for the petitioner, I do not find any force in this petition.

The contentions raised by the petitioner are related to the facts which can be assessed and examined by the trial court where the matter is pending and the evidence is to be led.

At this stage, I do not find any flagrant injustice to be caused to the petitioner as well as I also do not find any abuse of process of the court.

The petitioner is accordingly, dismissed.

(B.C. Kandpal, J.)

23.04.2005
ASWAL